

6560-50

U. S. ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD-FRL- ]

National Emission Standards for Hazardous Air Pollutants  
for Source Categories: Organic Hazardous Air Pollutants  
from the Synthetic Organic Chemical Manufacturing  
Industry and Other Processes Subject to the Negotiated  
Regulation for Equipment Leaks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Compliance Extension and Proposed  
Changes to subpart H.

SUMMARY: Elsewhere in today's FEDERAL REGISTER, the EPA  
is announcing a 3-month stay and reconsideration of  
certain portions of the "National Emission Standards for  
Hazardous Air Pollutants from the Synthetic Organic  
Chemical Manufacturing Industry and Other Processes  
Subject to the Negotiated Regulation for Equipment Leaks"  
(collectively known as the "hazardous organic NESHAP" or  
the "HON"). The EPA is issuing the stay pursuant to  
Clean Air Act section 307(d)(7)(B), 42 U.S.C.  
7606(d)(7)(B), which provides the Administrator authority  
to stay the effectiveness of a rule during  
reconsideration.

This action is a proposal to extend the compliance  
date for certain compressors and for surge control

vessels and bottoms receivers to allow the time necessary for installation of controls. Changes are also being proposed to the applicability of control requirements for surge control vessels and bottoms receivers. This action also proposes a temporary extension of the applicable compliance dates beyond the 3 months of the stay, but only as necessary to complete reconsideration (including appropriate regulatory action) of the rule in question.

DATES: Comments. Comments must be received on or before [insert date 30 days from date of publication in the FEDERAL REGISTER], unless a hearing is requested by [insert date 10 days from date of publication in the FEDERAL REGISTER]. If a hearing is requested, written comments must be received by [insert date 45 days from date of publication in the FEDERAL REGISTER].

Public Hearing. Anyone requesting a public hearing must contact the EPA no later than [insert date 10 days from the date of publication in the FEDERAL REGISTER]. If a hearing is held, it will take place on [insert date 15 days from the date of publication in the FEDERAL REGISTER], beginning at 10:00 a.m.

ADDRESSES: Comments. Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and

Information Center (6102), Attention Docket Number A-90-20 (see docket section below), room M-1500, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. The EPA requests that a separate copy also be sent to the contact person listed below.

Public Hearing. If a public hearing is held, it will be held at the the EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Mrs. Kim Teal, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone (919) 541-5580.

Docket. Dockets No. A-90-20 and A-89-10, containing the supporting information for the original NESHAP and this action, are available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at the EPA's Air and Radiation Docket and Information Center, Waterside Mall, room M-1500, first floor, 401 M Street SW, Washington, DC 20460, or by calling (202) 260-7548 or 260 -7549. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Dr. Janet S. Meyer, Emission Standards Division (MD-13), U.S. Environmental

Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5254.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

On April 22, 1994 (59 FR 19402), and June 6, 1994 (59 FR 29196), the EPA promulgated in the FEDERAL REGISTER national emission standards for hazardous air pollutants ("NESHAP") for the synthetic organic chemical manufacturing industry (SOCMI), and for several other processes subject to the equipment leaks portion of the rule. These regulations were promulgated as subparts F, G, H, and I in 40 CFR part 63, and are commonly referred to as the hazardous organic NESHAP, or the HON. The final rule required existing sources to comply with subpart H beginning October 24, 1994 for some groups of SOCMI processes and for processes subject to subpart I. These compliance dates were the same as the proposed compliance dates and were consistent with the agreement on the negotiated rule for equipment leaks. The final rule required existing sources to comply with subpart G no later than April 22, 1997.

Public comments on the proposed rule included a

substantial number of requests for a compliance schedule for subpart H similar to the 3-year schedule provided under subpart G. Several commenters argued that the 6-to-18-month compliance period in proposed subpart H did not take into consideration the implementation problems that could arise during installation of required equipment. A few commenters thought that proposed subpart H did not permit applications for compliance extensions. The EPA did not revise the compliance schedule as requested because the commenters did not provide any information that would justify establishing a source-category-wide compliance schedule similar to that provided in subpart G. Due to the lack of detailed information on equipment changes and installation schedules, the EPA thought that case-by-case compliance extensions would be sufficient to address any implementation problems that might arise. In issuing the final rule, the EPA added a provision, §63.182(a)(6), to clarify that individual extensions of compliance may be requested for installation of equipment required by subpart H.

The second major area of public comment concerned the proposed definition of product accumulator vessel and

its overlap with the definitions for process vents and storage vessels. Major concerns expressed included:

(1) the proposed definition did not distinguish between product accumulator vessels and process vents, storage vessels or other in-process vessels; (2) multiple standards (process vents under subpart G and equipment leaks under subpart H) would apply to the same vent; and (3) product accumulator vessels, which are point sources, would be regulated under provisions that were intended for fugitive emissions (i.e., equipment leaks). These commenters suggested eliminating the inconsistencies by:

(1) deleting the subpart H requirements for product accumulator vessels and regulating them as process vents or storage vessels under subpart G; or (2) allowing sources to select whether to comply with the requirements of subpart G or subpart H. Several commenters representing the non-SOCMI processes subject to subpart H also suggested deleting requirements for product accumulator vessels for those processes from subpart H. A few of these commenters thought that the EPA had added these provisions to the negotiated rule after the conclusion of the negotiations. The commenters preferred regulating such vessels under future MACT standards for

the appropriate source category.

As described in the April 22, 1994 FEDERAL REGISTER (59 FR 19440), the EPA concluded that, of the equipment included in the definition of "product accumulator vessels," only surge control vessels and bottoms receivers were outside the scope of process vents, storage vessels, and wastewater. Therefore, the term "product accumulator vessel" was removed from subpart H, and replaced with "surge control vessels and bottoms receivers." This change was intended to clarify the applicability of the rules and was not a change in the substance or effect of the negotiated rule.

Since the final rule was issued, it has become apparent that compliance with the provisions of §63.164 and §63.170 involves more equipment modifications and changes than originally believed. Additionally, the EPA has determined that an administrative process needs to be added to subparts F and I to establish these case-by-case compliance extensions. A petition for reconsideration has been submitted to the EPA requesting reconsideration of the compliance dates for compressors, §63.164, and for surge control vessels and bottoms receivers, §63.170.

## II. SUMMARY OF AND RATIONALE FOR PROPOSED REVISIONS

The purpose of this proposal is to revise the compliance dates for compressors and for surge control vessels and bottoms receivers to provide sufficient time to make the equipment changes necessary for compliance with the provisions of §63.164 and §63.170. It is proposed to add new paragraphs §63.100(k)(4) through (k)(7) and §63.103(g) to subpart F to revise the compliance dates for existing sources and to document the use of the compliance extensions. Similar changes are also being proposed for subpart I, as new paragraphs §63.190(e)(3) through (e)(5). This action also proposes a revised §63.170 to address issues that have arisen over technical feasibility of these control provisions and confusion over the distinction between surge control vessels, on the one hand, and process vents or storage vessels, on the other hand. This action also proposes to add paragraph (k)(8) to §63.100 and paragraph (h) to §63.103 providing a compliance extension for processes that plan to eliminate the use of or production of HAP.

A. Surge Control Vessels and Bottoms Receivers

1. Compliance Schedule.

Compliance with the provisions of §63.170 requires that the surge control vessel or bottoms receiver be



routed to the process or to a control device. Since the rule was issued, the EPA has received numerous inquiries regarding the feasibility of complying in the specified compliance period given the nature of the process changes required for either of the compliance options. Based on this information and review of the rulemaking record, the EPA has concluded that the nature of the equipment changes required is similar to the changes required for compliance with the provisions for process vents, storage vessels, etc. subject to subpart G. The scope of the equipment changes is, thus, more complex than was originally envisioned when the 6-month compliance date was selected.

The new information that the EPA has received demonstrates that at many facilities major equipment modifications or replacements are necessary in order to comply with the standard. The process changes involved include rerouting of a vent stream to a control device or to the process; replacement of a surge control vessel operated at atmospheric pressure with another that can be operated at a pressure greater than atmospheric; replacement, removal or addition of other equipment; and process redesign. Such process changes take more than a

few months to effect, especially considering planning, approval of permits, and in some cases approval by the Food and Drug Administration or other government entities. All these changes require the same degree of engineering design and evaluation that the controls required for process vents and storage vessels require. Furthermore, from the range of situations reported, it appears that the need for additional time to implement the required equipment changes is not limited to specific processes or kinds of equipment.

In light of new information received since publication of the final rule, the EPA has concluded that the compliance date for surge control vessels and bottoms receivers should be the same as that for process vents and other equipment subject to subpart G, i.e., April 22, 1997. Due to the widespread need for the additional time to design, purchase, install, and permit new equipment, the EPA proposes to revise the compliance date to April 22, 1997 for all sources subject to the provisions of §63.170. This proposed language is presented in §63.100(k)(7) of subpart F and §63.190(e)(6) of subpart I.

2. Revisions to §63.170

In addition to the concern with the achievability of the compliance dates, the EPA has received numerous inquiries regarding the definition of surge control vessels and the distinction between surge control vessels (and bottoms receivers) and storage vessels. The EPA has concluded from these discussions that this confusion is partially attributable to the fact that the present definition for surge control vessel is too broad and implies that any vessel that is not a storage vessel, e.g., knockout pot, is a surge control vessel. A revised definition for "surge control vessel" is being proposed to clarify that the term is limited to vessels that are within the process unit to provide in-process storage, mixing or management of flow rates or volumes to assist in production of a product.

Even with this revised definition, the EPA recognizes that considerable overlap will remain between vessels used for storage of materials, storage vessels, and equipment that meets the definition of surge control vessels or bottoms receivers. This is expected because the equipment is frequently indistinguishable in terms of structure, size, materials of construction, and materials stored. In many cases, these items of equipment may be

distinguished only after reviewing process diagrams to determine whether the chemicals in the vessel will undergo further processing steps at the chemical manufacturing process unit. The EPA is aware that in some cases surge control vessels and other unit operations have been regulated as storage vessels although the function of the particular vessels was not for storage of feed materials or product. This classification probably occurred because the equipment is physically indistinguishable from other containers used for storage.

To minimize the confusion over appropriate categorization of equipment, the EPA believes it would be most appropriate to apply the same control criteria to surge control vessels and bottoms receivers that are applied to storage vessels in subpart G. This approach should provide a workable solution to the problem by eliminating the remaining differences between the two categories of equipment and should avoid creating unforeseen problems. An additional consideration in this decision was that this approach would involve only minimal changes to the present text of the rule. Given the length and complexity of the HON as a whole, the EPA

thinks such a change would be understood more readily and with fewer implementation delays. If surge control vessels and bottoms receivers were addressed in subpart G, substantial redrafting would be required throughout subpart G. Therefore, the EPA considered this alternative to have a greater potential for creating more issues and confusion than if the problem were addressed in subpart H.

The use of the storage vessel control criteria is also considered appropriate for the following reasons. First, it would take considerable time, perhaps as much as 1 to 2 years, to gather the necessary information and establish separate control requirements for surge control vessels and bottoms receivers. Second, information presently available to the EPA indicates that surge control vessels and bottoms receivers have been regulated as storage vessels in a number of cases. Third, the range of physical characteristics and operating conditions of surge control vessels and bottoms receivers appears to substantially overlap that of storage vessels. Although the EPA does not have quantitative data on the characteristics and controls of surge control vessels and bottoms receivers, EPA considers the storage vessel

information to provide the best available data on the characteristics of surge control vessels and bottoms receivers. Therefore, the EPA believes the MACT floor analysis and selection of the standard analysis for storage vessels are adequate for surge control vessels and bottoms receivers.

B. Compressors

The provisions of §63.164 require the use of mechanical seals equipped with a barrier-seal system and controlled degassing of the barrier fluid or enclosure of the compressor seal area and venting of emissions through a closed-vent system to a control device. The standard also allows designation of a compressor as being subject to a 500 ppm performance standard. These provisions are consistent with the provisions in existing equipment leak standards in 40 CFR parts 60 and 61. Because no public comments were received that identified categories of compressors or types of changes that justified compliance times longer than the 6 to 18 months provided in the proposed rule, the EPA concluded that case-by-case extensions would be sufficient to address any implementation problems that might arise.

Since the final rule was issued, the EPA has

received new information that indicates it is infeasible for some sources subject to the October 24, 1994 compliance date to comply with the compressor provisions in the allotted 6-month compliance period. In the development of the equipment leak rule, the EPA treated control of compressors as requiring similar lead times and control measures as those required for control of pumps. It has since been determined that significant differences exist in the time required to make the necessary equipment changes for compressors. In particular for some compressors, compliance with the provisions of §63.164 requires replacement of an existing mechanical seal system or identification of an alternative barrier fluid system. Because compressors are individually designed for each process and for the expected range of operating conditions (pressure, temperature, chemicals in the process, etc.), selection of replacement seal or barrier fluid systems requires case-by-case engineering evaluation and equipment specification. Replacement of a seal system or barrier fluid system for a compressor could involve significant capital outlay and always requires careful planning and evaluation to ensure

continued proper operation of the compressor. For projects of this nature, the time required to conduct and complete such an assessment, write equipment specifications, bid and purchase the equipment is roughly 1 year. Actual installation of the replacement seal or barrier fluid system reportedly can be completed within 1 week. Thus, the EPA believes that 1 year is the minimum feasible period for installation of required equipment. Therefore, the EPA is proposing to revise the compliance date for compressors at process units subject to the October 24, 1994 and January 23, 1995 compliance dates to April 24, 1995. The proposed language is presented in new paragraph §63.100(k)(4) in subpart F and §63.190(e)(3) in subpart I.

The EPA has also determined that provisions need to be added to subparts F and I to provide a mechanism for owners or operators to request case-by-case compliance extensions for delays due to unavailability of parts. Since replacement seal systems and barrier fluid systems are designed for the compressor and the unit, it is possible that the vendor company may not be able to provide the replacement system on schedule and there would be no other vendor who could quickly provide the



parts. When the EPA established the compliance date for the compressor provisions, the possible need for such a compliance extension was not recognized. Therefore, the EPA is proposing to allow application for a compliance extension in cases where replacement of the seal system or barrier fluid system is required and additional time is necessary due to unavailability of parts. The proposed language is presented in new paragraph §63.100(k)(5) to subpart F and paragraph §63.190(e)(4) to subpart I. The EPA expects that this compliance extension provision will be used only in those rare cases where, despite proper planning and scheduling by the owner or operator, the replacement seal or barrier fluid system is not available on time. The EPA expects that with the proposed revisions to the compliance date the vast majority of compressors will not need compliance extensions.

In reevaluating the compliance period provided in the rule for compressors, the EPA also reconsidered whether it was appropriate to allow compliance extensions in cases where a process unit shutdown is necessary to permit installation of the replacement seal system or barrier fluid system. Typically, in a shutdown of a

process unit with a compressor, the entire system is depressurized and the equipment is cleared of process fluids. Even with good air pollution control practices, such a process unit shutdown could involve substantially more emissions than if the compressor were allowed to operate with seals that do not meet the technical specifications of the standard. Whether delaying installation of replacement seals or barrier fluid systems is environmentally beneficial depends on the particular circumstances of each case as well as the length of the delay. Therefore, after evaluating the tradeoffs, the EPA concluded that compliance extensions until the next scheduled process unit shutdown should be allowed in certain circumstances. The EPA also judged that, based on estimates of the expected tradeoffs in emissions reduction, all compressors should be in compliance with the requirements of §63.164 no later than April 22, 1996. These proposed changes to the compliance dates are presented in paragraph §63.100(k)(5) of subpart F and §63.190(e)(5). The EPA wants to emphasize that these proposed compliance extensions would be available only in cases where a process unit shutdown is necessary to allow installation of a new seal system or a new

barrier fluid system or requires changes to the existing barrier fluid system.

C. Proposed §63.100(k)(8)

The EPA is proposing to allow compliance extensions for processes that plan to eliminate the use or production of HAP from their process. Subpart I presently provides, in §63.190(e), additional time for such process changes. The proposed new paragraph §63.100(k)(8) would be added to subpart F to address an oversight in the drafting of the final rule.

D. Proposed Compliance Extension

Elsewhere in today's FEDERAL REGISTER, the EPA is announcing, pursuant to Clean Air Act section 307(d)(7)(B), reconsideration of the equipment leak provisions of the HON dealing with compressors and with surge control vessels and bottoms receivers (40 CFR §§ 63.164, 63.170). In that action the EPA is also announcing a 3-month partial stay of those provisions during the reconsideration. However, the EPA may not be able to complete reconsideration of, and any appropriate curative regulatory action to, the rule within the 3-month period expressly provided by Clean Air Act section 307(d)(7)(B). If the EPA does not complete the

reconsideration and rulemaking in this timeframe, then it will be necessary to temporarily extend the applicable compliance dates until the EPA completes final rulemaking action upon reconsideration. By this action the EPA proposes, pursuant to section 301(a)(1) of the Clean Air Act, 42 U.S.C. §7601(a)(1), a temporary extension of the compliance dates beyond the 3 months provided for Group I sources that had been required to comply with subpart H by October 24, 1994, and for sources required to comply as of January 23, 1995 or later, only as necessary to complete reconsideration and revision of the rule in question. As the EPA expects to be able to complete reconsideration of these regulatory provisions expeditiously, the EPA does not believe this temporary extension will, as a practical matter, affect the compliance dates for sources in Groups III, IV, or V since completion of the rulemaking is expected before April 24, 1995. If, following consideration of public comment, the EPA takes final action to extend these compliance dates, the dates would be extended until the effective date of the EPA's final action following reconsideration of these rules.

The EPA is proposing this temporary extension of the

compliance dates in order to complete reconsideration of the rule, as discussed above. The EPA intends to complete its reconsideration of the rule and, following the notice and comment procedures of section 307(d) of the Clean Air Act, take appropriate action as expeditiously as practicable. The EPA will seek to ensure that the affected parties are not unduly prejudiced by the EPA's reconsideration.

### III. Impacts

#### A. Surge Control Vessels and Bottoms Receivers

The proposed revisions to the compliance date and the control requirements for surge control vessels and bottoms receivers will not affect the estimated emissions reduction and control cost for the rule. In the background analyses used to characterize emissions, emission reductions, and control costs for this rule, the EPA treated surge control vessels and bottoms receivers as either process vents or storage vessels. This approach was taken due to the lack of sufficient data to characterize surge control vessels and bottoms receivers and the EPA's view that this equipment could be best characterized as a storage vessel. Consequently, the proposed revisions to the compliance date and the

requirements of §63.170 have no effect on the emission reductions or cost estimates.

B. Compressors

The proposed revisions to the compliance date for compressors provisions are estimated to have a negligible effect on the emissions reduction due to the equipment leak control requirements. Emissions from compressors contribute only a small portion of the estimated emissions from equipment leaks because there are very few compressors located in SOCFI process units. Information from earlier EPA studies also shows that the majority of compressors in SOCFI already meet most, if not all, of the equipment specifications in §63.164. Moreover, because of the nature of the equipment changes and the long lead time, the EPA believes the proposed revisions will not result in delays of installation of required controls. These proposed revisions to subpart H are not expected to affect the estimated cost of compliance with the rule.

IV. ADMINISTRATIVE

A. Paperwork Reduction Act

The information collection requirements of the previously promulgated NESHAP were submitted to and

approved by the Office of Management and Budget (OMB). A copy of this Information Collection Request (ICR) document (OMB control number 1414.02) may be obtained from Sandy Farmer, Information Policy Branch (PM-223Y); U.S. Environmental Protection Agency; 401 M Street, SW; Washington, DC 20460 or by calling (202) 260-2740.

Today's changes to the NESHAP would have a minor impact on the information collection burden estimates made previously. The added provisions provide a mechanism to request compliance extensions and are not required reports. Therefore, the ICR has not been revised.

B. Executive Order 12866 Review

The HON rule promulgated on April 22, 1994 was considered "significant" under Executive Order 12866 and a regulatory impact analysis (RIA) was prepared. The amendments proposed today would revise compliance dates to provide the time necessary for installation of controls and do not add any additional control requirements. The EPA believes that these proposed amendments would have a negligible impact on the results of the RIA and the change is considered to be within the uncertainty of the analysis. For the reasons discussed in section III, the

impacts on emissions reduction are also believed to be negligible.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires the identification of potentially adverse impacts of Federal regulations upon small business entities. The Act specifically requires the completion of a Regulatory Flexibility Analysis in those instances where small business impacts are possible. Because this rulemaking imposes no adverse economic impacts, a Regulatory Flexibility Analysis has not been prepared.

LIST OF SUBJECTS IN 40 CFR PART 63

Air pollution control, intergovernmental relations, reporting and recordkeeping requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small business entities.

\_\_\_\_\_  
\_\_\_\_\_  
Date

Administrator



For the reasons set out in the preamble, part 63 of Chapter I of title 40 of the Code of Federal Regulations is proposed to be amended as follows.

PART 63--NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401, 7412, 7414, 7416, and 7601.

Subpart F -- National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.

2. Section 63.100 is amended by revising paragraph (k), revising the first sentence of paragraph (k)(3), and by adding paragraphs (k)(4) through (k)(8) to read as follows:

§63.100 Applicability and designation of source.

\* \* \* \* \*

(k) Except as provided in paragraphs (l) and (m) of this section, sources subject to subparts F, G, or H of this part are required to achieve compliance on or before the dates specified in paragraphs (k)(1) through (k)(8) of this section.

(1) \* \* \*

(2) \* \* \*

(3) Existing sources shall be in compliance with subpart H of this part no later than the dates specified in paragraphs (k)(3)(i) through (k)(3)(v) of this section, except as provided for in paragraphs (k)(4) through (k)(8) of this section. \* \* \*

(4) Existing chemical manufacturing process units in Groups I and II as identified in table 1 of this subpart shall be in compliance with the requirements of §63.164 of subpart H no later than April 24, 1995 for any compressor meeting one or more of the criteria in paragraphs (k)(4)(i) through (k)(4)(iii) of this section, if the work can be accomplished without a process unit shutdown, as defined in §63.161 in subpart H.

(i) The seal system will be replaced;

(ii) A barrier fluid system will be installed; or

(iii) A new barrier fluid will be utilized which requires changes to the existing barrier fluid system.

(5) Existing chemical manufacturing process units shall be in compliance with the requirements of § 63.164 in subpart H no later than 1 year after the applicable compliance date specified in paragraph (3) of this section, for any compressor meeting the criteria in

paragraphs (k)(5)(i) through (k)(5)(iv) of this section.

(i) The compressor meets one or more of the criteria specified in subparagraphs (i) through (iii) of paragraph (4) of this section;

(ii) The work can be accomplished without a process unit shutdown as defined in §63.161 of subpart H;

(iii) The additional time is actually necessary due to the unavailability of parts beyond the control of the owner or operator; and

(iv) The owner or operator submits the request to the EPA Regional Office at the addresses listed in §63.13 of subpart A of this part no later than 45 days before the applicable compliance date in paragraph (k)(3) of this section, but in no event earlier than [ date 30 days after publication of final rule in the FEDERAL REGISTER ] .

The request shall include the information specified in paragraphs (k)(5)(iv)(A) through (k)(5)(iv)(E) of this section. Unless the EPA Regional Office objects to the request within 30 days after receipt, the request shall be deemed approved.

(A) The name and address of the owner or operator and the address of the existing source if it differs from the address of the owner or operator;

(B) The name, address, and telephone number of a contact person for further information;

(C) An identification of the chemical manufacturing process unit, and of the specific equipment for which additional compliance time is required;

(D) The reason compliance can not reasonably be

achieved by the applicable date specified in paragraphs (k)(3)(i) through (k)(3)(v) of this section; and

(E) The date by which the owner or operator expects to achieve compliance.

(6) If compliance with the compressor provisions of §63.164 of subpart H of this part can not reasonably be achieved without a process unit shutdown, as defined in §63.161 of subpart H, the owner or operator shall achieve compliance no later than April 22, 1996. The owner or operator who elects to use this provision shall comply with the requirements of §63.103(g) of this subpart.

(7) Existing sources shall be in compliance with the provisions of §63.170 of subpart H no later than April 22, 1997.

(8) If an owner or operator of a chemical manufacturing process unit subject to the provisions of subparts F, G, and H of part 63 plans to implement pollution prevention measures to eliminate the use or production of HAP listed in table 2 of this subpart by October 23, 1995, the provisions of subpart H do not apply regardless of the compliance dates specified in paragraph (k)(3) of this section. The owner or operator who elects to use this provision shall comply with the

requirements of §63.103(h) of this subpart.

\* \* \* \* \*

3. Section 63.103 is amended by adding paragraphs  
(g) and (h) to read as follows:

§63.103 General compliance, reporting, and recordkeeping provisions.

\* \* \* \* \*

(g) An owner or operator who elects to use the compliance extension provisions of §63.100(k)(6) shall submit the compliance extension request to the EPA Regional Office no later than 45 days before the applicable compliance date in §63.100(k)(3), but in no event earlier than [ date 30 days after publication of final rule in the FEDERAL REGISTER ]. The request shall contain the information specified in §63.100(k)(5)(iv) and the reason compliance can not reasonably be achieved without a process unit shutdown, as defined in 40 CFR §63.161.

(h) An owner or operator who elects to use the compliance extension provisions of §63.100(k)(8) shall submit to the EPA Regional Office a brief description of the process change, identify the HAP eliminated, and the expected date of cessation of operation of the current process. The description shall be submitted no later than [date 30 days after publication of the final rule in the FEDERAL REGISTER] or with the Notice of Compliance Status as required in §63.182(c) of subpart H, whichever

is later.

\* \* \* \* \*

Subpart H -- National Emission Standards for Organic  
Hazardous Air Pollutants for Equipment Leaks.



4. Section 63.161 is amended by revising the definition of surge control vessel to read as follows:

§63.161 Definitions.

\* \* \* \* \*

Surge control vessel means feed drums, recycle drums, and intermediate vessels. Surge control vessels are used within a chemical manufacturing process unit when in-process storage, mixing, or management of flow rates or volumes is needed on a recurring or ongoing basis to assist in production of a product.

\* \* \* \* \*

5. Section 63.170 is revised to read as follows:

§63.170 Standards: Surge control vessels and bottoms receivers.

Each surge control vessel or bottoms receiver that is not routed back to the process and that meets the conditions specified in table 2 or table 3 of this subpart shall be equipped with a closed-vent system that routes the organic vapors vented from the vessel or bottoms receiver back to the process or to a control device that complies with the requirements in §63.172 of this subpart, except as provided in §63.162(b) of this subpart.

6. Subpart H is revised by adding tables 2 and 3 to read as follows:

\* \* \* \* \*

TABLE 2 to SUBPART H. SURGE CONTROL VESSELS AND BOTTOM  
RECEIVERS AT EXISTING SOURCES

Vessel Capacity	Vapor Pressure <sup>a</sup>
(cubic meters)	(kilopascals)
$75 \leq \text{capacity} < 151$	$\geq 13.1$
$151 \leq \text{capacity}$	$\geq 5.2$

<sup>a</sup>Maximum true vapor pressure of total organic HAP at  
operating temperature.

TABLE 3 to SUBPART H. SURGE CONTROL VESSELS AND BOTTOMS  
RECEIVERS AT NEW SOURCES

Vessel Capacity	Vapor Pressure <sup>a</sup>
(cubic meters)	(kilopascals)
$38 \leq \text{capacity} < 151$	$\geq 13.1$
$151 \leq \text{capacity}$	$\geq 0.7$

<sup>a</sup>Maximum true vapor pressure of total organic HAP at  
operating temperature.

Subpart I - National Emission Standards for Organic  
Hazardous Air Pollutants for Certain Processes Subject to  
the Negotiated Regulation for Equipment Leaks.

7. Section 63.190 is amended by revising paragraph (e)(2) and by adding paragraph (e)(3) through (e)(7) to read as follows:

\* \* \* \* \*

§63.190 Applicability and designation of source.

(e) \* \* \*

(1) \* \* \*

(2) Existing sources shall comply no later than October 24, 1994, except as provided in paragraphs (e)(3) through (e)(7) of this section or unless an extension has been granted by the EPA Regional Office or operating permit authority as provided in §63.6(i) of subpart A of this part.

(3) Existing chemical manufacturing process units shall be in compliance with the requirements of §63.164 of subpart H no later than April 24, 1995 for any compressor meeting one or more of the criteria in paragraphs (e)(3)(i) through (e)(3)(iii) of this section, if the work can be accomplished without a process unit shutdown, as defined in 40 CFR §63.161.

(i) The seal system will be replaced;

(ii) A barrier fluid system will be installed; or

(iii) A new barrier fluid will be utilized which

requires changes to the existing barrier fluid system.

(4) Existing chemical manufacturing process units shall be in compliance with the requirements of § 63.164 of subpart H no later than January 23, 1996, for any compressor meeting the criteria in paragraphs (e)(4)(i) through (e)(4)(iv) of this section.

(i) The compressor meets one or more of the criteria specified in subparagraphs (i) through (iii) of paragraph (3) of this section;

(ii) The work can be accomplished without a process unit shutdown as defined in 40 CFR §63.161;

(iii) The additional time is actually necessary due to the unavailability of parts beyond the control of the owner or operator; and

(iv) The owner or operator submits the request to the EPA Regional Office at the addresses listed in §63.13 of subpart A of this part no later than [ date 30 days after publication of final rule in the FEDERAL REGISTER ] .

The request shall include the information specified in paragraphs (e)(4)(iv)(A) through (e)(4)(iv)(E) of this section. Unless the EPA Regional Office objects to the request within 30 days after receipt, the request shall be deemed approved.

(A) The name and address of the owner or operator and the address of the existing source if it differs from the address of the owner or operator;

(B) The name, address, and telephone number of a contact person for further information;

(C) An identification of the chemical manufacturing process unit, and of the specific equipment for which additional compliance time is required;

(D) The reason compliance can not reasonably be achieved by April 24, 1995; and

(E) The date by which the owner or operator expects to achieve compliance.

(6) If compliance with the compressor provisions of §63.164 of subpart H of this part can not reasonably be achieved without a process unit shutdown, as defined in §63.161 of subpart H, the owner or operator shall achieve compliance no later than April 22, 1996. The owner or operator who elects to use this provision shall comply with the requirements of §63.192(g) of this subpart.

(7) Existing sources shall be in compliance with the provisions of §63.170 of subpart H no later than April 22, 1997.

\* \* \* \* \*

8. Section 63.192 is amended by adding a new paragraph  
(1) to read as follows:

\* \* \* \* \*

§63.192 Standard.

(1) An owner or operator who elects to use the compliance extension provisions of §63.190(e)(5) shall submit the compliance extension request to the EPA Regional Office no later than [ date 30 days after publication of final rule in the FEDERAL REGISTER ]. The request shall contain the information specified in §63.190(e)(4)(iv) and the reason compliance can not reasonably be achieved without a process unit shutdown, as defined in §63.161 of subpart H.

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